

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hateboer et al.

Serial No.: To be assigned

Filed: March 1, 2004

For: RECOMBINANT PROTEIN
PRODUCTION IN A HUMAN CELL

Examiner: To be assigned

Group Art Unit: To be assigned

Attorney Docket No.: 2578-4038.3US

NOTICE OF EXPRESS MAILING

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Person making Deposit: Christopher Haughton

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
*US - 5,994,128	11-30-1999	Fallaux et al.
*US - 6,653,101 B1	11/25/2003	Cockett et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
*WO 93/03163	02-18-1993	Fond Nat Transfusion
*WO 97/00326	01-03-1997	Univ Leiden
*WO 95/29994	11-09-1995	Univ Michigan
*EP 0 185 573	06-25-1986	Pasteur Institut

Other Documents

*PCT International Search Report, PCT/NL00/00247, dated October 9, 2000, 3 pages.

*GHOSH-CHOUDHURY et al., Protein IX, a minor component of the human adenovirus capsid, is essential for the packaging of the full length genomes, The EMBO Journal, 1987, pp. 1733-39, Vol. 6, No. 6.

*LOUIS et al., Cloning and Sequencing of the Cellular--Viral Junctions from the Human Adenovirus Type 5 Transformed 293 Cell Line, Virology, 1997, pp. 423-29, Vol. 233.

*NCBI Entrez Nucleotide accession number U38242.

*NCBI Entrez Nucleotide accession number NC_002018.

*NCBI Entrez Nucleotide accession number X02996 J01967 J01968 J01970 J01971 J01972 J01974 J01976 J01977 J01978 J01979 K00515 V00025 V00026 V00027 V00029.

* Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

Serial No.: 09/549,463

Filed: April 14, 2000

For: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN CELL, which application is being relied upon for an earlier filing date under 35 U.S.C. § 120.

*SETOGUCHI et al., "Stimulation of Erythropoiesis by in vivo gene therapy: Physiologic consequences of transfer of the human erythropoietin gene to experimental animals using an adenovirus vector," Blood, November 1, 1994, pp. 2946-53, Vol. 84, No. 9.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56 & 1.175, applicant hereby identifies the following listed copending applications naming the same inventor(s):

Attorney Docket No.: 2183-4075US
Serial No.: 09/332,803
Filing Date: 6/14/1999
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-4123.2US
Serial No.: 09/348,354
Filing Date: 7/7/1999
Title: CHIMAERIC ADENOVIRUSES

Attorney Docket No.: 2183-4231US
Serial No.: 09/444,284
Filing Date: 11/19/1999
Title: GENE DELIVERY VECTORS PROVIDED WITH A TISSUE
TROPISM FOR SMOOTH MUSCLE CELLS, AND/OR
ENDOTHELIAL CELLS

Attorney Docket No.: 2183-4240US
Serial No.: 09/449,854
Filing Date: 11/26/1999
Title: PRODUCTION OF VACCINES

Attorney Docket No.: 2183-4038.1US
Serial No.: 09/549,463
Filing Date: 4/14/2000
Title: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN CELL

Attorney Docket No.: 2578-4038.3US

Attorney Docket No.: 2183-3982.2US
Serial No.: 09/517,898
Filing Date: 3/3/2000
Title: MEANS AND METHODS FOR FIBROBLAST-LIKE OR
MACROPHAGE-LIKE CELL TRANSDUCTION

Attorney Docket No.: 2183-4070.1US
Serial No.: 09/573,740
Filing Date: 5/18/2000
Title: SEROTYPES OF ADENOVIRUS AND USES THEREOF

Attorney Docket No.: 2183-4497US
Serial No.: 09/621,593
Filing Date: 7/21/2000
Title: MEANS AND METHODS FOR RAISING ANTIBODY
CONCENTRATION IN COMPARTMENTS OF THE BODY OF A
NON HUMAN ANIMAL

Attorney Docket No.: 2183-4192.1US
Serial No.: 09/657,492
Filing Date: 9/8/2000
Title: MODIFIED ADENOVIRAL VECTORS FOR USE IN GENE
THERAPY

Attorney Docket No.: 2578-4489US
Serial No.: 09/665,472
Filing Date: 9/20/2000
Title: GENE DELIVERY VECTORS PROVIDED WITH A TISSUE
TROPISM FOR DENDRITIC CELLS

Attorney Docket No.: 2183-4626US
Serial No.: 09/722,867
Filing Date: 11/27/2000
Title: PRODUCTION OF VACCINES

Attorney Docket No.: 2183-4843US
Serial No.: 09/843,894
Filing Date: 4/27/2001
Title: AAV VECTOR PRODUCTION

Attorney Docket No.: 2578-3840.1US
Serial No.: 09/900,062
Filing Date: 7/6/2001
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-3833.5US
Serial No.: 09/918,029
Filing Date: 7/30/2001
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-4509.1US
Serial No.: 09/928,262
Filing Date: 8/10/2001
Title: GENE DELIVERY VECTORS WITH CELL TYPE SPECIFICITY
FOR PRIMARY HUMAN CHONDROCYTES

Attorney Docket No.: 2578-4123.1US
Serial No.: 09/953,280
Filing Date: 9/14/2001
Title: CHIMAERIC ADENOVIRUSES

Attorney Docket No.: 2183-5006.1US
Serial No.: 10/010,645
Filing Date: 11/13/2001
Title: GENE DELIVERY VECTORS WITH CELL TYPE SPECIFICITY
FOR MESENCHYMAL STEM CELLS

Attorney Docket No.: 2578-3833.6US
Serial No.: 10/038,271
Filing Date: 10/23/2001
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-3833.7US
Serial No.: 10/125,751
Filing Date: 4/18/2002
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT
ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-4038.3US

Attorney Docket No.: 2578-3955.1US
Serial No.: 10/136,139
Filing Date: 5/1/2002
Title: MEANS AND METHODS FOR NUCLEIC ACID DELIVERY
VEHICLE DESIGN AND NUCLEIC ACID TRANSFER

Attorney Docket No.: 2578-4451.1US
Serial No.: 10/196,688
Filing Date: 7/15/2002
Title: ADENO-ASSOCIATED VIRUS AND ADENOVIRUS CHIMERIC
RECOMBINANT VIRUSES USEFUL FOR THE INTEGRATION
OF FOREIGN GENETIC INFORMATION INTO
CHROMOSOMAL DNA OF TARGET CELLS

Attorney Docket No.: 2578-3833.8US
Serial No.: 10/219,414
Filing Date: 8/15/2002
Title: STOCKS OF REPLICATION DEFICIENT ADENOVIRUS

Attorney Docket No.: 2578-4215.1US
Serial No.: 10/231,735
Filing Date: 8/28/2002
Title: INTERLEUKIN-3 GENE THERAPY FOR CANCER

Attorney Docket No.: 2578-4038.2US
Serial No.: 10/234,007
Filing Date: 9/3/2002
Title: RECOMBINANT PROTEIN PRODUCTION IN A HUMAN
CELL

Attorney Docket No.: 2578-5592US
Serial No.: 10/305,435
Filing Date: 11/25/2002
Title: METHODS AND MEANS FOR ENHANCING SKIN
TRANSPLANTATION USING GENE DELIVERY VEHICLES
HAVING TROPISM FOR PRIMARY FIBROBLASTS, AS WELL
AS OTHER USES THEREOF (PRIMAIRE FIBROBLASTEN)

Attorney Docket No.: 2578-5832US
Serial No.: 10/381,088
Filing Date: 3/20/2003
Title: ADENOVIRAL VECTORS PROVIDED WITH A TROPISM FOR DENDRITIC CELLS

Attorney Docket No.: 2578-5904US
Serial No.: 10/381,857
Filing Date: 8/13/2003
Title: ADENOVIRAL VECTORS FOR GENE DELIVERY IN SKELETAL MUSCLE CELLS OR MYOBLASTS

Attorney Docket No.: 2578-3840.2US
Serial No.: 10/396,548
Filing Date: 3/25/2003
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT ADENOVIRUS TO BE USED IN GENE THERAPY

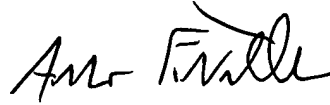
Attorney Docket No.: 2578-3833.9US
Serial No.: 10/618,526
Filing Date: 7/11/2003
Title: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT ADENOVIRUS TO BE USED IN GENE THERAPY

Attorney Docket No.: 2578-6077US
Serial No.: 10/644,256
Filing Date: 8/20/2003
Title: EFFICIENT PRODUCTION OF IgA IN RECOMBINANT MAMMALIAN CELLS

Attorney Docket No.: 2578-6158US
Serial No.: 10/698,086
Filing Date: 10/30/2003
Title: METHODS FOR THE IDENTIFICATION OF ANTIVIRAL COMPOUNDS

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew F. Nilles".

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Date: March 1, 2004
ACT/bv

Enclosures: Form PTO-1449 or PTO/SB/08
Document in ProLaw

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	To be assigned
				Filing Date	March 1, 2004
				First Named Inventor	Hateboer et al.
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
				Attorney Docket Number	2578-4038.3US
				Sheet	1

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		*WO 93/03163	02-18-1993	Fond Nat Transfusion		
		*WO 97/00326	01-03-1997	Univ Leiden		
		*WO 95/29994	11-09-1995	Univ Michigan		
		*EP 0 185 573	06-25-1986	Pasteur Institut		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	To be assigned
				Filing Date	March 1, 2004
				First Named Inventor	Hateboer et al.
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	2	of	2	Attorney Docket Number	2578-4038.3US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		*PCT International Search Report, PCT/NL00/00247, dated October 9, 2000, 3 pages.	
		*GHOSH-CHOUHURY et al., Protein IX, a minor component of the human adenovirus capsid, is essential for the packaging of the full length genomes, The EMBO Journal, 1987, pp. 1733-39, Vol. 6, No. 6.	
		*LOUIS et al., Cloning and Sequencing of the Cellular--Viral Junctions from the Human Adenovirus Type 5 Transformed 293 Cell Line, Virology, 1997, pp. 423-29, Vol. 233.	
		*NCBI Entrez Nucleotide accession number U38242.	
		*NCBI Entrez Nucleotide accession number NC_002018.	
		*NCBI Entrez Nucleotide accession number X02996 J01967 J01968 J01970 J01971 J01972 J01974 J01976 J01977 J01978 J01979 K00515 V00025 V00026 V00027 V00029.	
		*SETOGUCHI et al., "Stimulation of Erythropoiesis by in vivo gene therapy: Physiologic consequences of transfer of the humanerythropoietin gene to experimental animals using an adenovirus vector," Blood, November 1, 1994, pp. 2946-53, Vol. 84, No. 9.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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* Pursuant to 37 C.F.R. § 1.98(d), copies of the previously identified patents are not being provided since they were previously cited by or submitted to the Office in the following prior application:

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